

**STAFF REPORT TO THE HEARING OFFICER
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – VARIANCE
Case Planner: Zenia Fiveash**

Hearing Date: February 23, 2023

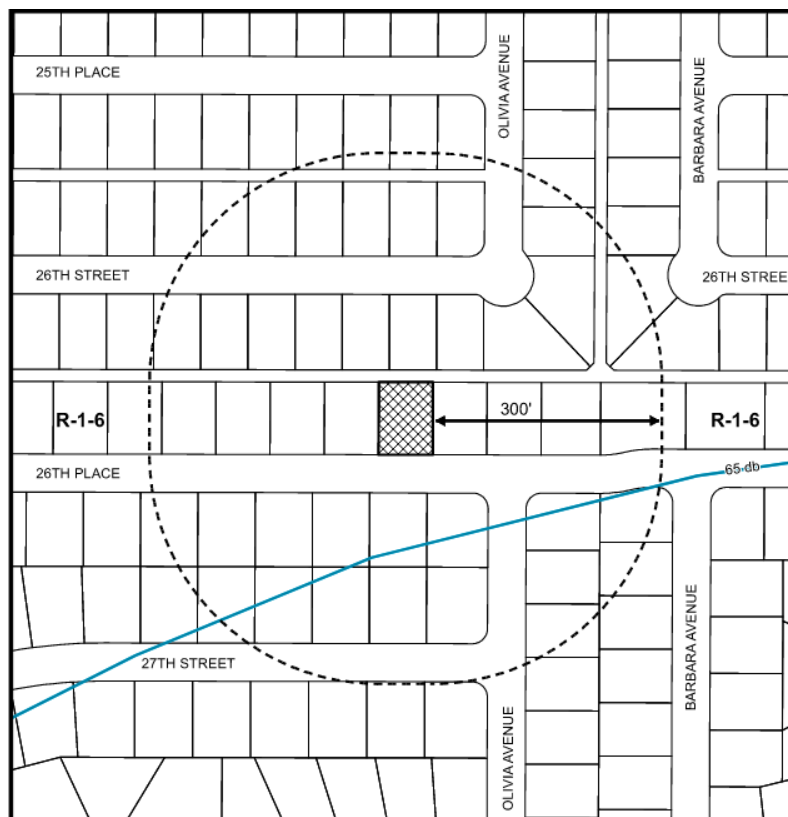
Case Number: VAR-40954-2023

Project Description/Location:

This is a request by John McCabe for a variance to reduce the front yard setback from 20 feet to zero feet to allow the required parking to be located in the front yard setback in the Low Density Residential (R-1-6) District. The property is located at 1620 E. 26th Place, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Low Density Residential R-1-6	Single Family Residence	Low Density Residential
North	Low Density Residential R-1-6	Single Family Residence	Low Density Residential
South	Low Density Residential R-1-6	Single Family Residence	Low Density Residential
East	Low Density Residential R-1-6	Single Family Residence	Low Density Residential
West	Low Density Residential R-1-6	Single Family Residence	Low Density Residential

Location Map:



Prior site actions: Annexation: Ordinance 791 (December 31, 1959); Subdivision: Palo Verde Estates No. 2 March 4, 1970)

Staff recommendation: Staff recommends **DENIAL** of the request to allow the reduction of the front yard setback from 20 feet to zero feet to allow the required parking to be located in the front yard setback in the Low Density Residential (R-1-6) District, per conditions outlined in Attachment A, because it does not meet the criteria of §154-03.04 of the Yuma City Code. Although Staff is not recommending a variance for the aforementioned item, if a variance is granted Staff recommends that the variance be conditioned to include conditions listed in Attachment A.

Have there been any other variance requests of a similar nature in the vicinity and zoning district? (If "YES", attach vicinity map showing locations of those variances)			YES
Case #	Nature of Variance Requested	Staff Recommendation	ZBA/Hearing Officer Action
BA86-12	Relief of parking requirement	Disapproval	Approval

Staff Analysis: The subject property is located along 26th Place, within the Palo Verde Estates No. 2 Subdivision. The property features a single-family residence on a parcel which measures approximately 6,741 square feet, in the Low Density Residential (R-1-6) District. The said property is subject to the following setback requirements: front yard setback of 20', side yard setback of 7', and rear yard setback of 10'.

According to the Yuma City Code, all required parking shall be located outside of the required front yard setback as specified in the applicable zoning district. When the property was developed, the covered parking, located outside of this front yard setback, satisfied this requirement. With this request, the applicant is seeking to enclose the existing legal parking area for the purposes of creating more livable space within the residence. In enclosing this parking area, the applicant intends on utilizing the existing driveway for their required parking area; reducing the required parking setback from 20 feet to zero feet.

After researching the request and the property, it has been determined that there are no special circumstances that apply to the property in regards to the size, shape or layout. While the request to reduce the front yard setback would not be uncommon within the surrounding area, the permitting of this variance could be detrimental to the surrounding property owners or those in nearby proximity.

1. Does the proposed variance meet the criteria of §154-16.04(D)(1) of the Yuma City Code?

A) "There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district."

Is this statement correct for this application?

☐ Yes ☒ No

Applicant Response: "The special circumstance is: I, the property owner, is a disabled and hand-i-capped Vietnam Veteran. There is a need for improvement; handicapped access and exits for a wheelchair or walker in and out of the laundry-washroom and exterior exits, cleanliness health and recreation, for well-being. Also the enhancement to the property and neighborhood. This does not apply to other property owners in the district."

Staff Analysis: There is no special circumstance or condition that applies to the property that does not apply to most other properties in this district. After researching the property staff was unable to identify a special circumstance that relates to the size, shape nor layout of the property which satisfies the need to recommend approval for this variance request.

B) “The special circumstance was not created or caused by the property owner or applicant.”

Is this statement correct for this application?

☐ Yes ☒ No

Applicant Response: *“The special circumstance was not caused by the property owner or applicant”*

Staff Analysis: According to staff’s analysis, the special circumstance is being created by the property owner. The property owner is seeking to enclose the existing legal parking area to create more livable space within the single-family residence; this remodel would create a lot that does not meet the parking requirements within the Low Density Residential (R-1-6) District. While not the preferred location of the applicant, an alternative solution does present itself in the form of parking, accessed from the adjacent alleyway.

C) “The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.”

Is this statement correct for this application?

☐ Yes ☒ No

Applicant Response: *“The granting of the variance is necessary for the resident’s elderly handicapped, cleanliness, health and well-being of persons residing and the preservation of property rights enjoyed by others in the vicinity under identical zoning designations.”*

Staff Analysis: The purpose of a front yard setback is to ensure reasonable clear vision along the street for either the driver or pedestrian safe crossing of the sidewalk and entrance into traffic without mishap. The applicant has the option of parking at the rear of his property to ensure everyone’s safety.

D) “The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.”

Is this statement correct for this application?

☐ Yes ☒ No

Applicant Response: *“There is no detriment to the persons residing, working, the neighborhood, or the public health, safety and general welfare.”*

Staff Analysis: The granting of this variance will lead to some detrimental effects on the neighbors and general public traveling near this property without the required clear vision of traffic. Since the 1970 creation of this subdivision, a number of property owners have converted there parking requirements to living spaces which increases the potential for visual impediments along 26th Place.

2. Are any of the adjacent property owners opposed to this request? No

Public Comments Received: Yes

Name:	Ron Iverson			Contact Information: rondiverson@gmail.com						
Method of Contact:	Phone		FAX		Email X		Letter		Other	
1-28-2023 "Hi Zenia. I just got your card regarding future changes to parking around my house. Your talking about a yard setback. Can you explain to me in laymans terms (I'm 80) as to exactly what you are planning and how it effects my property? I am co-owner with Malcolm Grissom. Thank you. I live at 1680 E 26th PI, Yuma AZ 85365"										
1-29-2023 "Hi again Zenia. I talked to my neighbor, and he said what he thought was the party at 1620 E 26th PI was probably wanting to put in a driveway, and a vote from the people within the 300 feet would be needed. If this is the case, I have no problem with him doing this and give my full ok for it. If this is correct, please let me know, and you have a great day! Thank you, Ron"										

External Agency Comments: None received

Neighborhood Meeting Comments: No meeting required

Final staff report delivered to applicant on: February 15, 2023

Proposed conditions delivered to applicant on:

- ☐ Applicant agreed with all of the conditions of approval on: November 2, 2022
- ☐ Applicant did not agree with the following conditions of approval: (list #s)
- ☒ Conditions of approval have been emailed to applicant and no response has been received, 2-15-2023. conditions of approval were e-mailed to the applicant and a response was not received.

Attachments

A	B	C	D	E	F	G
Conditions of Approval	Site Plan	Agency Notifications	Site Photos	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By:

Zenia Fiveash

Date: February 15, 2023

Zenia Fiveash
Assistant Planner

Zenia.Fiveash@yumaaz.gov (928)373-5000, Ext. 3040

Approved By: *Alyssa Linville*

Date: February 20, 2023

Alyssa Linville,
Director of Planning and Neighborhood Services

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed variance for the site:

**Department of Planning and Neighborhood Services Comments: Alyssa Linville, Director
(928) 373-5000, x 3037:**

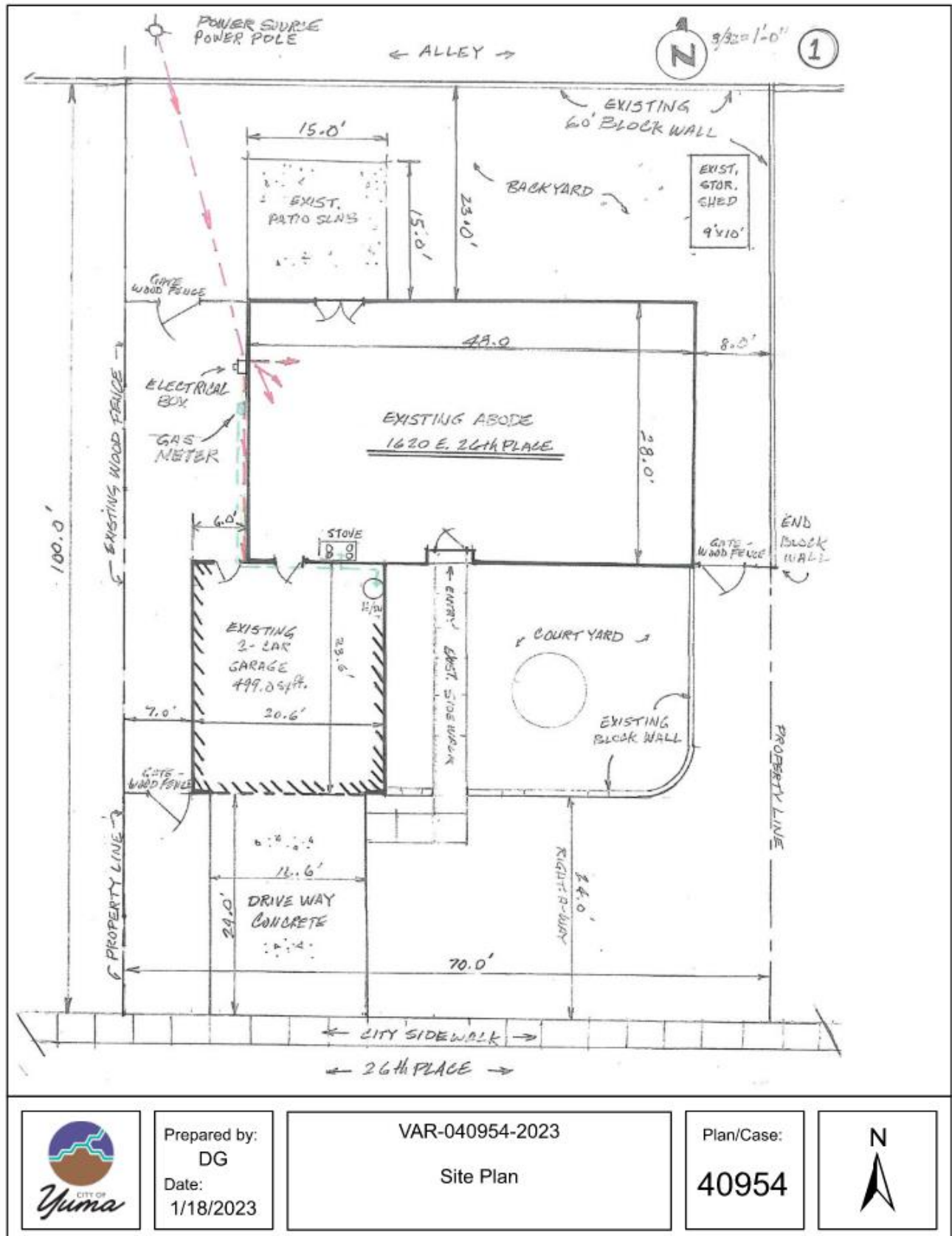
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning: Zenia Fiveash, Assistant Planner, (928) 373-5000 x 3040:

3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B SITE PLAN



Prepared by:
DG
Date:
1/18/2023

VAR-040954-2023
Site Plan

Plan/Case:
40954



ATTACHMENT C AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 2-03-23
- 300' Vicinity Mailing: 1-25-23
- Site Posted on: 2-15-23
- 34 Commenting/Reviewing Agencies Noticed: 1-25-23
- Neighborhood Meeting Date: N/A
- Hearing Date: 2-23-23
- Comments Due: 2-06-23

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	1-26-23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	1-30-23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT D
SITE PHOTOS



ATTACHMENT E
NEIGHBOR NOTIFICATION LIST

Property Owner	Mailing Address	City/State/Zip Code	
PRECIADO CATALINA RUIZ	2563 S OLIVIA AVE	YUMA	AZ 85365
DOWD WILLIAM & CECILIA JT	2573 S OLIVIA AVE	YUMA	AZ 85364
MARTIN GARY L	2583 S OLIVIA AVE	YUMA	AZ 85365
GUZMAN BLANCA RAMOS	1369 E 26TH ST	YUMA	AZ 85365
SHAYA RAGHEED N	101 E 24TH ST	YUMA	AZ 85364
PALACIO ERNESTO M & MANUELA A JT	1361 E 26TH ST	YUMA	AZ 85365
BRAKEFIELD LAURIA DEENE	1357 E 26TH ST	YUMA	AZ 85365
AROS RICARDO JR	1353 E 26TH ST	YUMA	AZ 85365
ESPINOZA TERESA SIQUEIROS	1349 E 26TH ST	YUMA	AZ 85364
SANTANA MARIA E	PO BOX 8085	SCOTTSDALE	AZ 85252
JUAREZ CRISTINA FERNANDEZ	1 PAJARO WY	SALINAS	CA 93901
FARNSWORTH SANDRA J LIVING TRUST 11-09-99	1337 E 26TH ST	YUMA	AZ 85365
NAVARRO MARY L	1340 E 26TH ST	YUMA	AZ 85365
ROBLES JOSEPHINE V LIVING TRUST 10-26-1995	1344 E 26TH ST	YUMA	AZ 85365
SIMENTAL LORENZO & ESPERANZA Z JT	1348 E 26TH ST	YUMA	AZ 85365
ALMODOVA CHRISTIAN A	1352 E 26TH ST	YUMA	AZ 85365
DURAN ARTHUR S & PATRICIA R JT	1356 E 26TH ST	YUMA	AZ 85364
DURAN FAMILY LIVING TRUST 2-16-06	1360 E 26TH ST	YUMA	AZ 85365
FAZ DULCE	10940 TRINITY PKWY SP C-334	STOCKTON	CA 95219
LAU BM FAMILY TRUST 10-18-2017	1310 W RIDGEVIEW DR	YUMA	AZ 85364
RIVAS DOLORES M	2580 S BARBARA AVE	YUMA	AZ 85365
JUAREZ MARICELLA J	2570 S BARBARA AVE	YUMA	AZ 85364
NIMAN KRISTINE LOUISE & BLAKE T	1542 E 27TH ST	YUMA	AZ 85365
DE YOUNG MARK	1535 E 26TH PL	YUMA	AZ 85365
WILCOX MATHEW RANDALL	1520 E 26TH PL	YUMA	AZ 85365
CANOLE TRUST 4-4-2019	1540 E 26TH PL	YUMA	AZ 85365
KINNICK DODGE REVOCABLE LIVING TRUST 11-23-2020	1562 E 27TH ST	YUMA	AZ 85365
ST PIERRE STEVE	1582 E 27TH ST	YUMA	AZ 85365
VILLAGRANA PABLO MIRANDA	1602 E 27TH ST	YUMA	AZ 85364
ROA IRVING	1622 E 27TH ST	YUMA	AZ 85365
P SUE AZ LLC	310 RUSSELL RD	ISLAND	WA 98282
URIBE DAVID	1560 E 26TH PL	YUMA	AZ 85365
AGUILAR TIFFANY D	1580 E 26TH PL	YUMA	AZ 85365
SANTINI ALICE	2681 S OLIVIA AVE	YUMA	AZ 85364
FEDERICO CARLOS & DUNIA M	2610 S BARBARA AVE	YUMA	AZ 85365
WHITTEN BRYCE ALLEN	1363 E 25TH PL	YUMA	AZ 85365

HO TRANG THUY	2637 S 34TH AVE	YUMA	AZ	85364
VASQUEZ ALEJANDRA ESTRELLA	1355 E 25TH PL	YUMA	AZ	85365
ALVAREZ GUADALUPE A & MARTHA	1351 E 25TH PL	YUMA	AZ	85365
RIVAS DANIEL	1347 E 25TH PL	YUMA	AZ	85365
DUNNIGAN DAVID PAUL	1643 E 27TH ST	YUMA	AZ	85365
GILBERT JANET M		YUMA	AZ	85365
HUDSON MICHAEL D & DIANA R	1603 E 27TH ST	YUMA	AZ	85365
BERMUDEZ JUAN JR & ESMERALDA JT	1635 E 26TH PL	YUMA	AZ	85365
TAPIA EVELYN PEREZ	1615 E 26TH PL	YUMA	AZ	85364
HARTWELL ELEANOR T	1595 E 26TH PL	YUMA	AZ	85365
KEANE KENNETH	1575 E 26TH PL	YUMA	AZ	85365
NORIEGA MARCO & VANESSA NICOLE	1555 E 26TH PL	YUMA	AZ	85365
SMITH AMANDA J	1600 E 26TH PL	YUMA	AZ	85365
MCCABE JOHN K & JACQUELINE JT	1620 E 26TH PL	YUMA	AZ	85365
LUZBETAK RAYMOND & MARIA E JT	1640 E 26TH PL	YUMA	AZ	85365
LEON MARIA ELENA	1660 E 26TH PL	YUMA	AZ	85365
IVERSON RONALD D	1680 E 26TH PL	YUMA	AZ	85365
DAY FREDERICK	2651 S OLIVIA AVE	YUMA	AZ	85365
MERCADO FAMILY TRUST 12-14-2012	2661 S OLIVIA AVE	YUMA	AZ	85365
BROOKS NANCY A ET AL	12734 E 40TH ST	YUMA	AZ	85367
RUNDLE ANNE MARIE	2630 S BARBARA AVE	YUMA	AZ	85365
MIRANDA MARCO	2620 S BARBARA AVE	YUMA	AZ	85365
MERRILL CLINT	1704 E 26TH PL	YUMA	AZ	85365

**ATTACHMENT F
NEIGHBOR MAILING**

This is a request by John McCabe for a variance to reduce the front yard setback from 20 feet to zero feet to allow the required parking to be located in the front yard setback in the Low Density Residential (R-1-6) District. The property is located at 1620 E. 26th Place, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
VAR-40954-2023**

PUBLIC HEARING
2/23/2023 @ 9:30AM
City of Yuma Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 1620 E. 26th Place, Yuma, AZ,
, you are invited to attend the public hearing to voice your comments. If you have questions
or wish to submit written comments, please contact Zenia Fiveash by phone at (928) 373-
5000 ext. 3040 or by email at Zenia.Fiveash@YumaAz.gov

ATTACHMENT G
AERIAL PHOTO

